

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

ROBERTA DAVIS,

Plaintiff,

-v-

DECISION AND ORDER
11-CV-6448CJS

MONROE COMMUNITY COLLEGE, and
STATE DIVISION OF HUMAN RIGHTS,

Defendants.

Plaintiff has submitted a complaint to the Court and seeks permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. In order for the Court to grant this request, it needs sufficient information on which to base its determination.

The documentation plaintiff has submitted is inadequate to permit the Court to evaluate the request. In response to question number 1 of the affirmation (Docket No. 2) plaintiff states that she is employed, but on sick leave and that she is unsure of her wages. Plaintiff needs to provide further information regarding this question. If plaintiff has not yet received income for her time on sick leave, she should state how long she has been on sick leave, and if and when she intends to return to work from sick leave. She should also indicate the effort she has made with the employer and/or disability insurer to determine the amount of sick leave income she will receive.

Additionally, in reporting income received in the last twelve months, it appears that the plaintiff may have misstated some responses (affirmation, number 2). For example, plaintiff states that she received \$50,000 **per month** from Monroe Community College,

\$6,000 **per month** in an annuity, and \$25.00 per month from Social Security. Plaintiff should review her responses and make sure the information is accurate.

Plaintiff also states that she is unable to state her gross monthly income due to not knowing how much she will receive in worker's compensation (affirmation, number 3). Again, plaintiff needs to provide additional information in response to this question. If plaintiff has not yet received workers' compensation benefits, she should state if she has been approved for workers' compensation. If plaintiff has received any workers' compensation benefits she needs to state the time period she has been receiving benefits and the amount of benefits received.

The Court cannot grant plaintiff's request on the basis of the information included in the application. Plaintiff may have until **October 21, 2011** to submit a new application which includes all the necessary information, including the additional information described above.

The Clerk of the Court is directed to send plaintiff a new form application to proceed as a poor person and a copy of the application that plaintiff previously filed with the Court (Docket No. 2).

By **October 21, 2011**, plaintiff must either submit a newly-completed application form which includes all of the above-described additional information needed for the Court's determination of the request or pay the full filing fee of \$350.00. Plaintiff is forewarned that failure to comply with this Order by either submitting a new and complete application or paying the filing fee by **October 21, 2011** will result in the dismissal of this case without prejudice.

If plaintiff has not complied with this Order by **October 21, 2011**, the Clerk of the Court is directed to close this case as dismissed without prejudice without further order.

SO ORDERED.

Dated: SEPT. 16, 2011
Rochester, New York

Charles J. Siragusa
CHARLES J. SIRAGUSA
United States District Judge